

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs March 19, 2008

STATE OF TENNESSEE v. EDDIE LAMONT RANKINS

Appeal from the Circuit Court for Bedford County
No. 16068 Robert Crigler, Judge

No. M2007-01308-CCA-R3-CD - Filed April 17, 2008

The defendant, Eddie Lamont Rankins, pleaded guilty in the Bedford County Circuit Court to one count charging a 2006 possession of cocaine for resale. After he submitted his open guilty plea to the trial court, the court sentenced him to a Department of Correction term of 17 years as a multiple offender. On appeal, the defendant claims that the trial court should have placed him in a community corrections program. We disagree and affirm the circuit court's judgment

Tenn. R. App. P. 3; Judgment of the Circuit Court Affirmed

JAMES CURWOOD WITT, JR., J., delivered the opinion of the court, in which JOSEPH M. TIPTON, P.J., and JOHN EVERETT WILLIAMS, J., joined.

A. Jackson Dearing, III, Shelbyville, Tennessee, for the appellant, Eddie Lamont Rankins.

Robert E. Cooper, Jr., Attorney General and Reporter; and Jennifer L. Bledsoe, Assistant Attorney General, for the appellee, State of Tennessee.

OPINION

Facts that emerged from the defendant's plea submission hearing showed that the defendant was in possession of six grams of crack cocaine on April 6, 2006. The presentence report introduced into evidence at the sentencing hearing showed that the defendant had been convicted in 2006 of two counts of possession of cocaine, offenses for which he was on probation when he committed the offense in the present case. The defendant had also been convicted of the following offenses: unlawful possession of beer in 2004 and again in 2005, and in 2003, unlawful possession of a weapon, possession of stolen property, violation of the driver's license law, and aggravated criminal trespassing.

The director of the Seventeenth Judicial District drug task force testified in the sentencing hearing that the major drug problem in the jurisdiction was crack cocaine and that deterrence of the traffic in crack cocaine was needed.

The defendant's appellate bid to be placed in a community corrections program is groundless for two reasons.

First, as a recipient of a 17-year sentence, the defendant was ineligible for probation, *see* T.C.A. § 40-35-303(a) (2006), and as such, he was ineligible for community corrections placement, including a "special needs" community correction program. *State v. Cowan*, 40 S.W.3d 85, 86 (Tenn. Crim. App. 2000); *State v. Kendrick*, 10 S.W.3d 650, 655 (Tenn. Crim. App. 1999); *State v. Boston*, 938 S.W.2d 435, 438 (Tenn. Crim. App. 1996); *see* T.C.A. § 40-36-106(c) (2006).

Second, the defendant's prior criminal record and his reoffending while on probation firmly support the trial court's decision to order him to serve his sentence in confinement.

An alternative sentence is any sentence that does not involve total confinement. *See generally State v. Fields*, 40 S.W.3d 435 (Tenn. 2001). When examining a defendant's suitability for an alternative sentence, the trial court should consider whether:

(A) Confinement is necessary to protect society by restraining a defendant who has a long history of criminal conduct;

(B) Confinement is necessary to avoid depreciating the seriousness of the offense or confinement is particularly suited to provide an effective deterrence to others likely to commit similar offenses; or

(C) Measures less restrictive than confinement have frequently or recently been applied unsuccessfully to the defendant[.]

T.C.A. § 40-35-103(1)(A)-(C). In addition, a defendant's potential for rehabilitation or lack thereof should be examined when determining if an alternative sentence is appropriate. *Id.* § 40-35-103(5). Obviously, in the defendant's case, factors (A) and (C) of Code section 40-35-103(1) warrant the denial of any alternative sentencing.

Based upon the foregoing analysis, the judgment of the circuit court is affirmed.

JAMES CURWOOD WITT, JR., JUDGE